Nos. 82-524, 82-545, and 82-551

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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1982

BALTIMORE GAS AND ELECTRIC COMPANY, et al.,
Petitioners

v.

NATURAL RESOURCES DEFENSE COUNCIL, INC.,
Respondent

UNITED STATES NUCLEAR REGULATORY COMMISSION, et al.,
Petitioners

v.

NATURAL RESOURCES DEFENSE COUNCIL, INC., et al.,
Respondents

COMMONWEALTH EDISON COMPANY, et al.,
Petitioners

v.

NATURAL RESOURCES DEFENSE COUNCIL, INC., et al.,
Respondents

MOTION FOR DIVIDED ARGUMENT

Pursuant to Rule 38.4 of the Rules of this Court, Commonwealth Edison, et al., Petitioners in No. 82-551, hereby move the Court to grant permission to present oral argument in the above-captioned matters, thereby increasing by one the number of Counsel arguing on behalf of Petitioners but not increasing the time allotted for Petitioners' argument.

In particular, Petitioners Commonwealth Edison, et al. request five minutes of the allotted thirty minutes to emphasize and clarify their written argument related to the Court of Appeals' error in reliance on its decision in Minnesota v. NRC, 602 F.2d 412 (D.C. Cir. 1979). No. 82-551 Brief on the Merits 34-46. This argument has not been addressed by Petitioners in Nos. 82-524 or 82-545.

We respectfully suggest that it is important for the Court to hear oral argument on this aspect of the issues presented

since it concerns the power of the judiciary to review indirectly the adequacy of the basis for a Congressional decision by requiring an agency to present a record for review. Further, we suggest that the decision in Minnesota v. NRC is in conflict with the decision of the Second Circuit in Natural Resources Defense Council, Inc. v. NRC, 582 F.2d 166 (2d Cir. 1978).

Respectfully submitted,

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February 11, 1983